

TENTATIVE RULINGS for CIVIL LAW and MOTION
November 25, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: In re Angel Bibriesca
Case No. CV P2 09-186

Hearing Date: November 25, 2009 Department Fifteen 9:00 a.m.

The petition to approve compromise of disputed claim is **DENIED WITHOUT PREJUDICE**. Petitioner did not provide an original or a photocopy of all doctors' reports containing a diagnosis of and prognosis for the injury and a report of the claimant's present condition. (Cal. Rules of Court, rule 7.950.) Petitioner has not been appointed the minor's guardian ad litem. Although the petitioner may compromise the minor's claim(s), the petition does not state whether the minor's parents are living separate and apart and if the parents are living separate and apart that the petitioner is the parent with the care, custody, or control of the minor. (Prob. Code, § 3500, subd. (a).)

If the petitioner corrects the deficiencies identified above before the hearing, the petitioner and the minor are directed to appear at the hearing or to show good cause why the petitioner and minor should not be required to appear. (Cal. Rules of Court, rule 7.952.) If the petitioner and the minor choose to show good cause, they should do so by filing a declaration before the hearing setting the forth the facts supporting good cause. If the parties fail to appear at the hearing and the court has not excused their personal appearance, the petition will be denied without prejudice.

TENTATIVE RULING

Case: County Fair Fashion Mall, LLC v. Fireman's Fund Ins. Co.
Case No. CV CV 09-80

Hearing Date: November 25, 2009 Department Fifteen 9:00 a.m.

Fireman's Fund Insurance Company and American Insurance Company's motion to compel Primero Management, Inc. to comply with the deposition subpoena for production of business records dated July 22, 2009, is **GRANTED** as follows. (Code Civ. Proc., § 1987.1.) Primero Management, Inc. shall produce, without objection, the requested documents **by no later than**

December 16, 2009. The request for monetary sanctions against Primero Management, Inc. is **GRANTED** in the amount of \$1,340.00. (Code Civ. Proc., § 1987.2.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: County Fair Fashion Mall v. Davies
Case No. CV CV 08-3330

Hearing Date: November 25, 2009 Department Fifteen 9:00 a.m.

This matter is **CONTINUED** on the Court's own motion to Wednesday, December 9, 2009, at 9:00 a.m. in Department Fifteen.

TENTATIVE RULING

Case: Muharam v. Hubert
Case No. CV UD 09-2684

Hearing Date: November 25, 2009 Department Fifteen 9:00 a.m.

Counsel are **DIRECTED TO APPEAR**.

Debra Hubert's demurrer to the unlawful detainer complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. The 3-day notice to pay rent or quit that the plaintiff served on the defendants does not comply with Code of Civil Procedure section 1161(2).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: Robert v. Capitol Bowl, Inc. et al.
Case No. CV PM 09-351

Hearing Date: November 25, 2009 Department Fifteen 9:00 a.m.

Defendant Capitol Entertainment, Inc. dba Capitol Bowl's unopposed motion for summary judgment, or in the alternative, summary adjudication is **GRANTED**. (Code Civ. Proc., 437c, subd. (p)(2).) Defendant met its burden of showing that Plaintiff's causes of action for negligence and premises liability have no merit since, Plaintiff cannot establish that Defendant breached a duty owed to her or that Defendant's acts or omissions were the cause of her injuries. (*Delgado v. Trax Bar & Grill* (2005) 36 Cal.4th 224, 237-238; *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 775-776; *Marios v. Royal Investigations* (1984) 162 Cal.App.3d 193; Defendant's Separate Statement of Undisputed Material Facts 1-12.)

If no hearing is requested, plaintiff is directed to prepare a formal order consistent with this ruling and in accordance with Code of Civil Procedure section 437c, subdivision (g) and California Rules of Court, rule 3.1312.